

Court of Appeals, State of Michigan

ORDER

Nasser M Makki v Wayne County Circuit Judge

Docket No. 296652

LC No. 09-113945-DM

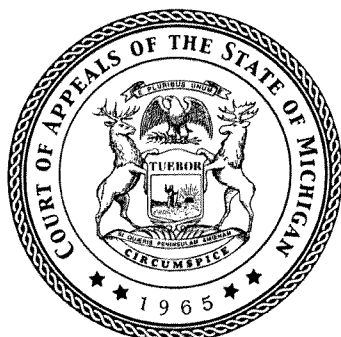
Karen M. Fort Hood
Presiding Judge

Kurtis T. Wilder

Christopher M. Murray
Judges

The Court orders that the motion for immediate release from custody, which was docketed as a motion for immediate consideration, is GRANTED IN PART only to the extent the motion sought immediate consideration of the complaint for superintending control. To the extent the motion seeks plaintiff's release from jail, this Court may not grant a writ of habeas corpus by motion in an existing action. See IOP 7.206-1; MCL 600.4304; MCR 3.303.

The Court further orders that the complaint for superintending control is DISMISSED. Plaintiff has a right to appeal the order of criminal contempt and plaintiff has not otherwise established that the lower court judge has failed to perform a clear legal duty. MCR 3.302(D); *Taylor v Currie*, 277 Mich App 85- 97-98; 743 NW2d 571 (2007); *Fieger v Cox*, 274 Mich App 449, 461; 734 NW2d 602 (2007).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

FEB 26 2010

Date

Sandra Schultz Mengel
Chief Clerk